IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Contempt Petition No. 92 of 2007

1. Sambhu Prasad Bhatt S/o Sri Santi Prasad Bhatt, R/O Village & Post-Srikot Ganganali, Srinagar, Pauri Garhwal.
2. Devendra Singh Khatri S/O Sri Vijai Singh Khatri, R/O Village & Post Srikot Ganganali, Srinagar, Pauri Garhwal.

….Applicants.

Vs.

1. Bijendra Paul, Secretary Health, Uttarakhand, Dehradun.
2. Dr. B.C. Pathak, Director General, Medical Health and Family Welfare, Chandra Nagar.
3. Dr. J.P. Chamoli, Chief Medical Superintendent, Base Hospital Srikote, Sri Nagar, Pauri Garhwal.

….Respondents.

Sri Mangal Singh Chauhan, learned counsel for the applicants.
Sri H.M. Raturi, learned Standing Counsel for the respondents.

Date August 13, 2007.
P.C.: Hon'ble B.S. Verma, J.

This contempt petition has been filed against the respondents to punish them for having committed gross contempt and willful disobedience of the interim order dated 08-12-2005 passed by this Court in Writ Petition No. 1818 (S/S) of 2005 Mahadev Prasad and others Vs. State of Uttaranchal and others.

By the order dated 08-12-2005, it was directed that "in the meantime, the case of the petitioners for appointment may also be considered in terms of the Government Order dated 29.02.1996 within a period of one month from the date of receipt of certified copy of this order."

It has been submitted by the learned Standing Counsel that the case of the petitioners was considered by the respondent no. 3 and orders passed by the respondent have been annexed as Annexure CA-2 and CA-3 to the Counter Affidavit filed by the opposite party no. 3. It has further been submitted that the impugned Government Order Dated 21-09-1981 was quashed by the Full Bench Judgment of the

Allahabad High Court in the case of Ravindra Kumar Vs. District Magistrate and others ***[2005 A.I.H.C., Page 1653].*** Wherein it has been observed that the Government Order is wholly unworkable. It has been held that the Government Order/Circulars providing employment to one member of the family of the person whose land has been acquired are invalid. The Division Bench of this Court has followed the said Full Bench Judgment is Special Appeal No. 40 of 2005 State of Uttaranchal and others Vs. Anand Singh decided on 17-4-2007. The Special Appeal was allowed and the impugned order dated 5-6-2004 passed on the basis of the impugned Government Orders was set aside.

For the reasons aforesaid, the contempt petition deserves to be dismissed. If the petitioners are aggrieved by the order passed by the respondent no.3, the petitioners would be at liberty to assail the impugned order before the Court concerned and they may amend their writ petition.

The contempt petition is accordingly dismissed. If the petitioners are aggrieved by the order passed by the respondent no.3, they would be at liberty to assail the same before the Court concerned and they may amend their writ petition.

Notice issued to the respondent no. 3 is discharged.

(B.S. Verma, J.)

RCP